

National Aeronautics and
Space Administration

John H. Glenn Research Center
Lewis Field
Cleveland, OH 44135-3191



JUL 26 2007

Reply to Attn of: X

ARES Corporation
Attn: Thomas P'Simer
22800 Cedar Point Road
Cleveland, Ohio 44142

Subject: Freedom of Information Act Request No. GRC-07-037

This letter is to advise you that a releasability determination regarding NASA contract NAS3-03100, modifications 1-5, and the list of areas supported under this contract has been made. This determination has taken into consideration the relevant statutes, case law, and guidance, as well as comments received from the submitter of that information and the Contracting Officer. Accordingly, it is my decision to partially deny your request. The basis for this partial denial is set forth below.

A previous releasability determination dated April 12, 2006 was made regarding the release this contract. A redacted copy of the contract has been made publicly available and is enclosed. The list of areas supported under this contract, and modifications 1, 3, 4, and 5 will be released in full. However, the following information listed in the modification #2 has been identified as exempt from release under Exemption 4 of the FOIA, 5 U.S.C § 552(b):

Modification #2:

- Document entitled "PACE II Organizational Conflicts of Interest Avoidance Plan" (6 pages).

The information identified above is exempt from release under Exemption 4 of the FOIA as "commercial and financial information, and obtained from a person, as privileged or confidential." This information reveals the unique methods, procedures, and/or techniques employed by the contractor to accomplish the contract, and therefore, is considered to be confidential. The initial determination has been made that the information is exempt from release under the Freedom of Information Act, 5 U.S.C. § 552(b)(4).

In order to properly and effectively conduct procurements, it is necessary for the Government to obtain detailed technical, financial, and commercial data. Only through evaluation of complete and accurate data of this type can the Government hope to negotiate an agreement that best meets its requirements, both cost and technical. It is mandatory that the federal procurement

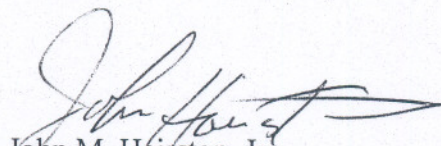
process be handled in a manner that fosters and promotes uninhibited transmission of confidential material. In short, public disclosure of this information would undermine the integrity of the federal procurement process.

In addition to protecting the Government's ability to obtain necessary information, exemption (b)(4) protects the competitive position of submitters. Disclosure of the requested information could cause substantial competitive injury to submitters because it would reveal insights into their business practices. Again, public disclosure of this information would undermine the integrity of the federal procurement process.

There is no charge for providing this information since the applicable fees do not meet the established threshold.

You may appeal this initial determination to the NASA Administrator. Your appeal must (1) be addressed to the **Administrator, National Aeronautics and Space (NASA), Mail Stop: P, 300 E. Street SW, Washington, DC 20546**; (2) be clearly identified on the envelope and in the letter as an "Appeal under the Freedom of Information Act (FOIA)"; (3) include a copy of the request for the Agency record and a copy of this initial determination; (4) to the extent possible, state the reasons why you believe this decision should be reversed; and (5) be sent to the Administrator within 30 calendar days of the date of the receipt of this initial determination.

If you need further assistance, please contact Angela Pierce, FOIA Officer, at (216) 433-2813 or via e-mail at foia@grc.nasa.gov.



John M. Hairston, Jr.
Director of External Program